GVM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

United States of America	) **Magistrate's Case Number:**
	) '08 MJ 1599
VS.	) COMPLAINT FOR VIOLATION OF:
Benjamin CORTEZ, **Dimas ALCARAZ-Preciado,** **Sergio MARES-Guerrero**	) **Title 21, United States Code**
	) Section(s) 952, 960;
	) and Title 18 United States Code, Section 2
	) Importation of a Controlled
Defendants,	) Substance and Aiding and Abetting (Felony);

2008 MAY 22 AM 9:57

BY KNH DEPUTY

The undersigned complainant being duly sworn states:

That on or about May 21, 2008, within the Southern District of California, defendants Benjamin CORTEZ, Dimas ALCARAZ-Preciado and Sergio MARES-Guerrero did knowingly and intentionally import approximately 12.15 **kilograms (26.73 pounds) of Methamphetamine**, a Schedule II Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960 and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, incorporated herein by reference.

Signature of Complainant
Special Agent Joel M. Dolloff
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 22 day of May, 2008.

UNITED STATES MAGISTRATE JUDGE

GJM

UNITED STATES OF AMERICA
v.
Benjamin CORTEZ et al.

STATEMENT OF FACTS

On May 21, 2008 at approximately 6:00 a.m. Customs and Border Protection Officer (CBPO) Stuart Hersey was conducting pre-primary roving operations at the San Ysidro Port of Entry (POE) with his narcotics detection canine "DADA" (NCF030305)/IN10). "DADA" alerted to a narcotic odor emanating from the rear quarter panels of a black 1999 Pontiac Sunfire bearing California license plate 6CVN150 located in primary vehicle entry lane number twenty. CBPO Hersey requested assistance via his radio. CBPO Jerry Vales responded and made contact with the driver (Benjamin CORTEZ, DOB: March 11, 1984) of the vehicle. CBPO Hersey conducted a brief physical inspection of the vehicle and observed a non-factory access panels located in both the passenger and driver side rear quarter panels. CBPO Hersey pried open the panel on the driver side rear quarter panel and observed packages inside the quarter panel.

On May 21, 2008 at approximately 6:30 a.m. CBPO Iluli Desiree was assigned to conduct a secondary inspection on a 1999 Pontiac Sunfire bearing California license plate 6CVN150. CBPO Desiree field tested the contents of one of the packages receiving a positive test for methamphetamine.

On May 21, 2008 at approximately 7:00 a.m. Immigration and Customs Enforcement (ICE) Special Agent (SA) Joel Dolloff and SA Scott Lensky responded to the San Ysidro POE. At approximately 8:00 a.m. SA Dolloff and SA Lensky contacted CORTEZ in the security office. SA Dolloff read CORTEZ his rights per Miranda in English from a pre-printed card. CORTEZ stated he understood his rights and agreed to be interviewed. CORTEZ admitted knowledge of the narcotics in the vehicle. CORTEZ stated he was supposed to call a man in Mexico. This man was supposed to give CORTEZ a contact telephone number for CORTEZ to call and get directions for delivery of the narcotics. CORTEZ agreed to assist with a controlled delivery of the narcotics. CORTEZ called his contact in Mexico and was given the telephone number (516) 286-3164 and the name CHON. CORTEZ was instructed to call the number and arrange delivery. CORTEZ agreed to call CHON and deliver the vehicle but when agents asked if CORTEZ had used narcotics, he stated that he had smoked methamphetamine at approximately 4:00 a.m. that day.

At approximately 9:07 a.m., Group Supervisor (GS) Juan Jacobo contacted CHON at telephone number (516) 286-3164 in an undercover capacity pretending to be CORTEZ. CHON told GS Jacobo that he was at the trolley stop on Palomar street waiting to be picked up. GS Jacobo told CHON that he was about 15 minutes away and asked what he was wearing. CHON stated that he was wearing a black sweatshirt and a Dodger hat. CHON asked GS Jacobo what kind of furniture he was bringing and GS Jacobo said he would tell him when he got there.
SA Victor Estabanez took over for GS Jacobo in an undercover capacity taking the place of CORTEZ as the driver of the vehicle. SA Estebanez drove the 1999 Pontiac Sunfire laden with methamphetamine North on Interstate 5 to the Palomar Street Trolley Station and made contact with CHON. CHON got in the vehicle with SA Estebanez and told him he was going to Spring Valley. CHON told him to go North on Interstate 5 and then to go East on the 54. As they approached Jamacha Boulevard, CHON told SA Estebanez to exit at the next exit which is Jamacha Road. CHON then told SA Estebanez to take a left (North) on Sweetwater Road. CHON next told SA Estebanez to make a right on Tyler Street. As CHON and SA Estebanez neared Bancroft Drive Elementary School, CHON told SA Estebanez to make a left at the blue house. CHON told SA Estebanez to stop in the dirt driveway behind the blue house and next to the paved driveway of a duplex house with the address of 2388A Bancroft Drive Spring Valley, California, 91977. CHON made a telephone call and a Hispanic male (later identified as Dimas ALCAREZ-Preciado) came out of the house. SA Estebanez got tools out of the center console of the vehicle and asked ALCAREZ if he had any tools he could use. ALCAREZ re-entered the house and returned with a few wrenches. ALCAREZ asked SA Estebanez if he had a lot to unload. SA Estebanez began working to remove the narcotics loaded in the vehicle with CHON helping him. ALCAREZ opened the hood of the car and stated that it would make it look more like they were working on the vehicle. ALCAREZ walked away from the vehicle and towards Tyler Street. As ALCAREZ approached Tyler Street he was looking around and was in the vicinity of several unmarked law enforcement vehicles. In addition visibility concerning the safety of SA Estebanez was limited and the order was given to end the operation. CHON was arrested and identified as Sergio MARES-Guerrero. Dimas ALCAREZ-Preciado was also arrested.

GVM

Sergio MARES-Guerrero was read his rights in the Spanish language from a pre-printed form. MARES stated he understood his rights and agreed to be interviewed. MARES stated that he was being paid $100.00 to help unload marijuana from the vehicle and that this was the first time he had done so.

Benjamin CORTEZ was read his rights in the English language from a pre-printed form. CORTEZ stated he was aware there was methamphetamine in the vehicle. CORTEZ stated he was being paid $3,000.00 to bring the vehicle laden with methamphetamine into the United States. CORTEZ stated he had done similar smuggling operations ten to twelve times previously.

All three men were fingerprinted, photographed, and are awaiting transportation to the Metropolitan Correctional Center (MCC) from the San Ysidro POE security office pending initial appearance before the U.S. Magistrate Judge in San Diego, CA.